

Message Text

SECRET

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ACTION SS-25

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EXDIS

E.O. 11652: GDS
TAGS: MASS, YO, ET
SUBJECT: ALLEGED YUGOSLAV TRANSFER OF M-47 TANKS TO ETHIOPIA

REF: STATE 145552

1. GOY TRANSFER OF M-47S TO ETHIOPIA, IF IT TOOK PLACE,
IS INDEED A SERIOUS VIOLATION OF OUR BILATERAL AGREEMENTS
AND WOULD HAVE TO BE TREATED AS SUCH. THUS, THE FIRST
STEP IS TO DETERMINE-- AS THE DEPARTMENT IS SEEKING
TO DO-- THAT TRANSFER TOOK PLACE AND THAT TANKS
INVOLVED DID COME FROM YUGOSLAVIA.

2. IF INTELLIGENCE COMMUNITY CONFIRMS ACCURACY OF REPORTS,
I RECOMMEND I BE INSTRUCTED TO RAISE THE MATTER
WITH FOREIGN SECRETARY MINIC ON AN URGENT BASIS.
PARAGRAPH 3 BELOW SET FORTH LINE I BELIEVE I SHOULD
TAKE, BUT I MUST EMPHASIZE MY STRONG CONVICTION
THAT WE GIVE GOY A REASONABLE OPPORTUNITY TO PROVIDE
WHATEVER INFORMATION AND EXPLANATION IT IS WILLING
TO GIVE BEFORE REPEAT BEFORE WE GO PUBLIC. I WOULD
ALSO WANT TO BE ABLE, WHEN SEEING MINIC, TO PROVIDE HIM
WITH SUFFICIENT PROOF OF OUR CHARGES THAT HE WILL NOT
BE ABLE CREDIBLY TO DENY OUR CLAIMS.

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3. POINTS I BELIEVE I SHOULD MAKE TO MINIC ARE
AS FOLLOWS:

A. WE HAVE EVIDENCE THAT GOY HAS VIOLATED BILATERAL
AGREEMENT WITH U.S. (CITE AGREEMENT AND APPROPRIATE
PARAGRAPHS THEREOF) BY TRANSFERRING, WITHOUT

U.S. CONSENT, M-47 TANKS TO ETHIOPIA.

B. THIS ACT CONTRAVENTION
OF US-YUGOSLAV AGREEMENTS GOVERNING THE TRANSFER
OF MILITARY EQUIPMENT MUST, UNDER U.S. LAW, BE
REPORTED BY THE ADMINISTRATION TO CONGRESS. THUS,
THE MATTER CANNOT REMAIN ONLY A PRIVATE CONCERN
OF OUR TWO GOVERNMENTS.

C. NOR CAN YUGOSLAV ACTION BE CONSIDERED BY U.S.G.
IN ISOLATION FROM OUR OVERALL RELATIONSHIP.
IT INEVITABLY MUST PUT IN DOUBT STATED GOY
DESIRE TO EXPAND MILITARY-TO-MILITARY COOPERATION,
AND PARTICULARLY MILITARY SALES. MORE
FUNDAMENTALLY, IT RAISES SERIOUS QUESTIONS ABOUT
GOY CREDIBILITY ON A RANGE OF EXISTING BILATERAL
UNDERTAKINGS WITH THE USG, AS WELL AS
FUTURE AGREEMENTS.

D. ACCORDINGLY, I HAVE BEEN INSTRUCTED TO
INFORM GOY THAT, GIVEN INFORMATION NOW AVAILABLE
TO US, PRESIDENT HAS NO CHOICE BUT TO INFORM
CONGRESS-- AS REQUIRED BY LAW-- OF THIS VIOLATION.

E. IN ADDITION, GOY SHOULD KNOW THAT US LAW REQUIRES
THAT WHERE ANY COUNTRY IS FOUND TO BE IN
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"SUBSTANTIAL VIOLATION" OF ANY FMS OR MAP AGREEMENT
BY THE TRANSFER OF EQUIPMENT, AS IN THE INSTANT
CASE, CERTAIN CONSEQUENCES AUTOMATICALLY PERTAIN.
IN THIS PARTICULAR CASE, AS I HAVE ALREADY INDICATED,
THE ADMINISTRATION WILL HAVE TO REPORT THE
VIOLATION TO THE CONGRESS.

F. I HAVE BEEN INSTRUCTED TO BRING THIS INFORMATION TO THE
ATTENTION OF THE GOY, AND TO INFORM THE FOREIGN
SECRETARY THAT THE USG IS PREPARED TO DELAY FOR A
REASONABLE PERIOD OF TIME, NOTIFICATION OF THE
CONGRESS SO THAT THE GOY MAY COMMENT, IF IT
WISHES TO DO SO, ON THE SUBSTANCE OF OUR DEMARCHE.

4. COMMENT: I WOULD LIKE TO HAVE IN HAND, AT THE TIME
I SEE MINIC, INFORMATION ON HOW WE HAVE HANDLED OTHER
DIVERSION CASES, AND GUIDANCE ON HOW TO RESPOND SHOULD
YUGOSLAVS RAISE THEM AS EXAMPLES OF FOREBEARANCE ON OUR
PART WITH OTHER COUNTRIES.

5. FURTHER, BOTH DEPARTMENT AND THIS EMBASSY SHOULD
RECOGNIZE THIS DEMARCHE AND ANY ACTIONS WE MAY

TAKE AS A CONSEQUENCE WILL HAVE A SERIOUS IMPACT ON
THE COURSE OF US-YUGOSLAV RELATIONS. WHILE WE MUST
BE CAREFUL NOT TO THROW THE BABY (OUR LONG-TERM
INTERESTS HERE) OUT WITH THE BATH WATER, NEITHER CAN
WE IGNORE OR FAIL TO RESPOND TO SO SERIOUS A VIOLATION
OF A BILATERAL AGREEMENT, IF IT DID IN FACT OCCUR. NOR,
BY THE WAY, SHOULD WE HAVE ANY ILLUSIONS THAT GOY WAS IN
IGNORANCE OF THE COMMITMENT IT HAD UNDERTAKEN, AS
DEPARTMENT RIGHTLY POINTS OUT IN PARAGRAPH 5 OF
REFTEL.
EAGLEBURGER

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